

21 C.J.S. Courts § 207

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

2. Courts Making Prior Decision

§ 207. Civil and criminal courts

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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When civil and criminal appellate courts are separate, decisions of one on matters exclusively within its jurisdiction are binding on the other.

When a state has distinct courts of last resort in civil and criminal cases, the decisions of the civil courts as to matters exclusively within their jurisdiction are binding on the criminal courts,¹ and the civil courts are, in turn, bound by the decisions of the criminal courts with respect to matters of criminal law.² However, the criminal courts are not bound by the decisions of the civil courts with respect to criminal matters.³

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Footnotes

- 1 Okla.—*State v. Coyle*, 1912 OK CR 126, 7 Okla. Crim. 50, 122 P. 243 (1912).
Tex.—*Bishop v. State*, 74 Tex. Crim. 214, 167 S.W. 363 (1914).
- 2 Okla.—*Ex parte Barnett*, 1937 OK 353, 180 Okla. 208, 69 P.2d 643 (1937).
Tex.—*State v. Ferguson*, 133 Tex. 60, 125 S.W.2d 272 (1939).
- 3 Tex.—*Lossing v. Hughes*, 244 S.W. 556 (Tex. Civ. App. Dallas 1922).

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